



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 09/898,978 | 07/02/2001 | Fred A. Bower III | BEA920010009US1 | 9953 |
| 49056 | 7590 | 11/15/2006 | EXAMINER | |
| LIEBERMAN & BRANDSDORFER, LLC | | | VO, LILIAN | |
| 802 STILL CREEK LANE | | | | |
| GAITHERSBURG, MD 20878 | | | ART UNIT | PAPER NUMBER |
| | | | 2195 | |

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/898,978 | BOWER, FRED A. |
| | Examiner Lilian Vo | Art Unit 2195 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 - 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 26 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10, 19 and 25 recite the limitation "the group". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US Pat. Application Publication US 2004/0133609, hereinafter Moore) in view of Logue et

al. (US 6,647,421, hereinafter Logue) and further in view of applicant's admitted prior art (hereinafter AAPA).

6. Regarding **claim 1**, More discloses a method for managing tasks comprising:
 - (a) receiving a message from a client/remote server within system (page 4, paragraph 79 and 81, page 5, paragraphs 88 - 89: receiving a request from a client. Fig 4); and
 - (b) launching a lower priority task from a higher priority task in response to receipt of said message and absent a suspension selected from the group consisting of a system interrupt and a pause in a higher level task operations (page 4, paragraph 79 and 81, and page 5, paragraphs 88 - 89: dispatcher dispatches the request to the proper request handler to perform service such as I/O operations).

Moore did not disclose the request is from the remote administrator and/or the communication is within a firmware. Nevertheless, Logue discloses the receiving of the request is from the remote administrator (col. 6, lines 15 – 19: receive request from remote administrator). In addition, AAPA discloses such a communication between tasks within a firmware is considered well known in the art (specification page 1, lines 12 – 22). Therefore, it would have been obvious for an ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Logue and AAPA with Moore to have communication with the remote administrator in addition to client so that services and/or communication can be provided to a variety of source within the computing environment as needed.

7. Regarding **claim 2**, Moore discloses the step of launching said lower priority task includes an agent (fig. 4, page 4, paragraph 79 and 81, and page 5,paragraphs 88 - 89: dispatch the request to the proper request handler to perform service such as I/O operations).

8. Regarding **claim 3**, Moore discloses the step of receiving the message from the remote source includes a dispatcher (page 4, paragraph 79 and 81, and page 5,paragraphs 88 - 89: dispatcher dispatches the request to the proper request handler to perform service such as I/O operations).

9. Regarding **claim 4**, Moore discloses the dispatcher placing the request/message in a data structure (page 4, paragraph 80, page 5, paragraph 86- 89: the data set is registered in MCAT server and kept all relevant information associated with the data set for each call/request).

10. Regarding **claim 5**, Moore did not clearly disclose the step that the dispatcher sets the flag for signaling the receipt of the message. However, Moore discloses that the dispatcher listening for incoming requests and dispatches the requests to the proper request handlers (page 4, paragraph 79). It would have been obvious for an ordinary skill in the art, to incorporate Moore's system with a step of setting a flag for signaling the receipt of request by the dispatcher when receiving a request that forward it to a particular request handler (process agent) to be processed because Moore has different type of agents to handle different level of request.

11. Regarding **claim 6**, Moore discloses the step of launching the lower priority task includes an agent, the agent reading the data structure (fig. 4, page 4, paragraph 79 and 81, and page 5, paragraphs 88 - 89: dispatcher dispatches the request to the proper request handler to perform service such as I/O operations. Page 5, paragraph 86- 89: the data set is registered in MCAT server and kept all relevant information associated with the data set for each call/request).

With respect to the agent receiving the flag, this concept is considered well known in the art. Furthermore, it would have been obvious for an ordinary skill in the art, to incorporate Moore's system with the step of setting a flag for signaling the receipt of request by the dispatcher to a particular request handler (agent) when receiving a request since certain type of request will be handled by the appropriate request handler (process agent).

12. Regarding **claim 7**, Moore did not clearly disclose the step that the agent resets the flag associates with the receipt message. However, Moore discloses that the dispatcher listening for incoming requests and dispatches the requests to the proper request handlers (page 4, paragraph 79). It would have been obvious for an ordinary skill in the art, to incorporate Moore's system with the step of resetting the flag by the request handler (agent) after finish processing the request because different request handler will process a particular type of request.

13. Regarding **claim 8**, Moore discloses the step of launching said lower priority task includes responding to said message (page 4, paragraph 79: the dispatcher is also responsible for returning the results to clients).

14. Regarding **claim 9**, Moore discloses the higher priority task includes maintaining a level of operation (page 4, paragraph 79: the dispatcher listens for incoming requests and dispatches the requests to the proper request handler).

15. Regarding **claim 10**, Moore discloses a computer system comprising:
a remote server located in system (page 4, paragraph 79 and 81, page 5, paragraphs 88 - 89: receiving a request from a client/remote server. Fig 4);
a set of resources loaded in said system and in communication within the system (page 4, paragraph 75, page 5, paragraphs 89, 90, fig. 4), said resources comprising:
a message manager to receive a message from the client/server (page 4, paragraphs 79, 81: the dispatcher listens for incoming requests and dispatches the requests to the proper request handler. Page 5, paragraphs 88 - 89: receiving a request from a client/remote server. Fig 4); and
a task manager to launch a lower priority task from a higher priority task in response to receipt of said message and absent a suspension selected from the group consisting of a system interrupt and a pause in a higher level task operation (page 4, paragraph 79, page 5, paragraphs 81, 86 – 89: request handler processes the request).

Moore did not disclose the request is from the remote administrator and/or the communication is within a firmware. Nevertheless, Logue discloses the receiving of the request is from the remote administrator (col. 6, lines 15 – 19: receive request from remote administrator). In addition, AAPA discloses such a communication between tasks within a firmware is considered well known in the art (specification page 1, lines 12 – 22). Therefore, it would have been obvious for an ordinary skill in the art, at the time the invention was made, to

incorporate the teachings of Logue and AAPA with Moore to have communication with the remote administrator in addition to client so that services and/or communication can be provided to a variety of source within the computing environment as needed.

16. Regarding **claim 11**, Moore discloses the message manager is a dispatcher (page 4, paragraph 79 and 81, and page 5,paragraphs 88 - 89: dispatcher dispatches the request to the proper request handler to perform service such as I/O operations).

17. Regarding **claim 12**, Moore discloses the task manager is an agent (fig. 4, page 4, paragraph 79 and 81, and page 5,paragraphs 88 - 89: dispatch the request to the proper request handler to perform service such as I/O operations).

18. **Claims 13 – 18** are rejected on the same ground as stated in claims 4 - 9 above.

19. **Claims 19 and 20** are rejected on the same ground as stated in claims 1 above.

20. **Claims 21 - 24** are rejected on the same ground as stated in claims 4 - 9 above.

21. Claims 25 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US Pat. Application Publication US 2004/0133609, hereinafter Moore) in view of Logue et al. (US 6,647,421, hereinafter Logue).

22. Regarding **claim 25**, Moore discloses a method comprising:

receiving a message from a client/remote server within system, wherein receipt of said message is by a tool operating at a medium priority level (page 4, paragraph 79 and 81, page 5, paragraphs 88 - 89: receiving a request from a client. Fig 4);

storing the request/message in a data structure shared between said medium priority tool and a lower priority tool (page 4, paragraph 80, page 5, paragraph 86- 89: the data set is registered in MCAT server and kept all relevant information associated with the data set for each call/request); and

launching a lower priority task in response to said message and absent a suspension selected from the group consisting of a system interrupt and a pause in a higher level task operation (page 4, paragraph 79 and 81, and page 5, paragraphs 88 - 89: dispatcher dispatches the request to the proper request handler to perform service such as I/O operations).

Moore discloses that request can be originated from a remote server. He did not clearly disclose the message is received from the remote administrator and/or the communication is within a firmware. Nevertheless, Logue discloses the receiving of the request is from the remote administrator (col. 6, lines 15 – 19: receive request from remote administrator). In addition, AAPA discloses such a communication between tasks within a firmware is considered well known in the art (specification page 1, lines 12 – 22). It would have been obvious for an ordinary skill in the art, at the time the invention was made, to incorporate Logue's teaching with Moore by servicing requests from remote administrator in addition to client so that services can be provided to a variety of source within the network as needed.

With respect to the step of setting a flag, Moore did not clearly disclose the step that setting a flag associates with the receiving of a message/request. However, Moore discloses that the dispatcher listening for incoming requests and dispatches the requests to the proper request handlers (page 4, paragraph 79). It would have been obvious for an ordinary skill in the art, to incorporate Moore's system with the step of setting a flag for signaling the receipt of request by the dispatcher when receiving a request that forward it to a particular request handler (process agent) to be processed because Moore has different type of agents to handle different level of request.

23. **Claim 26** is rejected on the same ground as stated in claim 9 above.

Response to Arguments

24. Applicant's arguments filed 9/5/06 have been fully considered but they are not persuasive for the reasons set forth below.

25. In response to applicant's argument that Moore, Logue and AAPA do not teach receipt of the message within system firmware to launch a lower priority task without a suspension in the form of an interrupt or a pause (page 7 1st paragraph), the examiner disagrees. Applicant is directed to the above where the rejections of the claims are presented. Furthermore, Moore was used in the rejection of the limitation for launching different priority level tasks absent an interrupt and not the AAPA.

26. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the rejection is found in the knowledge generally available to one of ordinary skill in the art.

27. With respect to applicant's argument that Moore et al. does not teach use of a flag, this can be seen as obviousness from Moore on page 4, paragraph 79, in which Moore discloses that the dispatcher listening for incoming requests and dispatches the requests to the proper request handlers. It would have been obvious for an ordinary skill in the art, to modify Moore's system with incorporating a step of setting a flag for signaling the receipt of request by the dispatcher when receiving a request that forward it to a particular request handler (process agent) to be processed because Moore has different type of agents to handle different level of request.

28. Regarding applicant's remark that Moore et al. does not teach the use of flag associated with the task of launching a lower priority task and/or a flag for differentiating and handling request priorities, applicant is arguing a feature of the invention not specifically stated in the claim language, which is improper. Claim subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of

avoiding the prior art. In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11,15 (CCPA 1978).

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Agee et al. (US 6,621,851) disclosed step of setting and resetting the flag associates with the receiving message.

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Thursday 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lilian Vo
Examiner
Art Unit 2195

lv
May 27, 2006


MENG-AI AN
SUPERVISORY PATENT EXAMINER
TC 2100